

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

TARA J. GONZALES,
Plaintiff,

V.

ODESSA COLLEGE, GREGORY D. WILLIAMS,
Defendants.

MO:23-CV-00020-DC

ORDER ADOPTING REPORT AND RECOMMENDATION

BEFORE THE COURT is United States Magistrate Judge Ronald C. Griffin's Report and Recommendation ("R&R") filed in the above-captioned cause on July 6, 2023, in connection with Defendants' Motion to Dismiss. (Doc. 23) This matter was referred to the Magistrate Judge.¹ Neither party filed objections, and the deadline to do so has expired.

Any party who desires to object to a Magistrate Judge's findings and recommendations must serve and file written objections within 14 days after being served with a copy of the findings and recommendations.² Failure to file written objections to the R&R within 14 days after being served with a copy shall bar that party from *de novo* review by the district court of the proposed findings and recommendations.³

What's more, except upon grounds of plain error, it shall also bar the party from appellate review of proposed factual findings and legal conclusions accepted by the district court to which no objections were filed.⁴

¹ See 28 U.S.C. § 636(b); Fed. R. Civ. P. 72.

² 28 U.S.C. § 636(b)(1).

³ *Id.*

⁴ *Id.*; *Thomas v. Arn*, 474 U.S. 140, 150–53 (1985); *United States v. Wilson*, 864 F.2d 1219 (5th Cir. 1989) (per curiam).

Having reviewed the R&R, the Court finds it neither clearly erroneous nor contrary to law. Thus, the Court **ADOPTS** the R&R and **GRANTS IN PART** Defendants' Motion to Dismiss. (Doc. 12).

The Court also **GRANTS** Plaintiff leave to amend her complaint to address the deficiencies identified by the R&R. If Plaintiff fails to amend her complaint on or before August 4, 2023, it is **ORDERED** that Plaintiff's § 1981 municipal liability claim, made actionable pursuant to § 1983, will be dismissed with prejudice.

It is so **ORDERED**.

SIGNED this 21st day of July, 2023.

A handwritten signature in black ink, appearing to read 'David Counts', with a stylized star-like flourish at the end.

DAVID COUNTS
UNITED STATES DISTRICT JUDGE